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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,655	05/30/2001	Kazuyuki Iwata	010645	5148

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ARMSTRONG, WESTERMAN & HATTORI, LLP  
1725 K STREET, NW.  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/866,655

Applicant(s)

IWATA ET AL.

Examiner

Julie K Smith

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “hold portion” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On page 4, line 1, appears to be missing words that would make the sentence correct. On page 4, line 12, there appears to be a typographical error. On page 7, line 15, there appears to be a typographical error.

Appropriate correction is required.

### ***Claim Objections***

3. Claims 6 and 18 are objected to because of the following informalities: On line 2 of claim 6 and line 2 of claim 18, there appear to be typographical errors. Appropriate correction is required.
4. Claim 12 is objected to as being redundant of claim 11.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 21-22 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The "hold portion" claimed by the Applicant is disclosed in the specification, but is not shown on the drawings in such a way that would enable one skilled in the art to make or use the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 11, 19 and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claim 11 recites the limitation "said device body" in lines 3 and 5. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 19 recites the limitation "said seal member" and "the same type as a seal member" in line 2. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 22 recites the limitation "said hold portion" in line 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 4-8, 11-14, 16-19 rejected under 35 U.S.C. 102(b) as being anticipated by MacAfee et al. (4,108,021).

Regarding claims 1, 8 and 14, MacAfee et al. discloses a case member mounting structure (10) characterized in that at least one projection portion (20, 140, 134, see fig. 6) is formed on an inner surface of a case member (10) for covering a driving force transmission mechanism, having an outer circumferential portion (130) fastened to a device body by a plurality of fastening means (14) and to contact an outer wall surface of said device body on which said case member is fastened, and a seal member (28) is provided on a contact surface (26) at a distal end of said projecting portion (20).

Regarding claims 4-6 and 11-13, MacAfee et al. discloses a case member mounting structure wherein said contact surfaces of said distal ends of said projecting portions (20, 134) lie in a common plane to said outer wall surface (24) of said device body and they lie in a plane different from the plane of said inner wall surface (a) of said case member.

Regarding claim 7 and 18, MacAfee et al. discloses a surface of said case member partitioned into polygonal sections (see fig. 3) and respective polygonal sections define depressed planes and projecting planes bordered by respective sides of the polygons.

Regarding claims 16 and 17, MacAfee et al. discloses a plurality of fastening bolt bosses (132,138) formed along an outer circumference of a case member for applying a plurality of fastening bolts, such that the case member is attached to a device body with said fastening bolts (14), characterized in that the surface of said case member partitioned into polygonal sections (see fig. 3) and respective polygonal sections define depressed planes and projecting planes bordered by respective sides of the polygons.

Regarding claim 19, MacAfee et al. discloses a seal member (28) applied along an outer circumference with which said case member and said body of an engine are fastened together.

14. Claims 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Daihatsu Motor Co. (JP 08061111 A).

Regarding claim 20, Daihatsu discloses a case member for covering a driving force transmission mechanism characterized in that a maintenance cover (1) is provided to be detachably mounted at a maintenance opening formed in said transmission mechanism and that a harness of a sensor (5) attached to a case member is integral with said maintenance cover (see fig. 1).

Regarding claim 23, Daihatsu discloses a bolthole (12) for mounting said maintenance cover (1) to said case member (9) by means of threaded engagement (see fig. 1).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2-3 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacAfee et al as applied to claims 1, 4-8, 11-14, 16-19 above, in view of Akatsu (JP410299500A). MacAfee et al. discloses a case member as claimed above, but is silent as to the type of seal member used. However, Akatsu teaches a case member (12) wherein a seal member (20) is a liquid or resilient seal member coated on a contact surface at distal ends of projecting portions (see fig. 1).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to replace the seal member of MacAfee et al. with the liquid or resilient seal member of Akatsu so as to provide a more effective seal between the case member and the cover.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacAfee et al. as applied to claims 1, 4-8, 11-14, 16-19 above, in view of Hashimoto et al (4,977,870). MacAfee et al discloses a case member as claimed above, but does not disclose an oil lubricant hole. However, Hashimoto et al. teaches an engine cover (6) with a projecting portion (see fig. 2) having a lubricant oil injection hole (46).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the apparatus of MacAfee et al. with the teaching of Hashimoto et al. so as to provide a lubricant injection hole within the cover so as to provide a means of supplying lubricant to any necessary parts contained within the case.

*Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,832,789 to Kinto et al.

5,000,142 to Aruga et al.

5,176,040 to Kawabe

6,065,439 to Achenbach et al.

6,050,236 to Sawaki et al.

5,207,121 to Bien

5,768,952 to Tsukamoto et al.

5,501,117 to Mensing et al.

4,446,755 to Takahashi

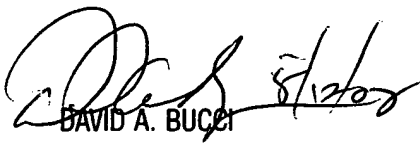
5,768,954 to Grabherr et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKS  
JKS  
August 8, 2002

  
DAVID A. BUCCI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600